

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.

d/b/a BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

v.

HARLEY-DAVIDSON MOTOR COMPANY, INC.

and BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

CIVIL ACTION

NO. 04 11402 NMG

DEFENDANTS' OBJECTIONS TO CYCLE-CRAFT'S EXHIBITS AND DEPOSITION DESIGNATIONS

Pursuant to the Court's April 6, 2006 Procedural Order, Defendants, Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC (collectively, "Harley-Davidson"), hereby file their objections to the exhibits and deposition designations that plaintiff, Cycle-Craft Co., Inc. ("Cycle-Craft"), expects to present at trial.

I. HARLEY-DAVIDSON'S OBJECTIONS TO PLAINTIFF'S EXHIBITS

Attached hereto at Exhibit A are Harley-Davidson's objections to the exhibits that Cycle-Craft intends to admit into evidence at trial.¹ Harley-Davidson reserves its right to supplement or amend these objections and to offer rebuttal exhibits at trial.

¹ Cycle-Craft has recently added exhibits that were not included on the list that it submitted to the Court. Harley-Davidson also objects to these exhibits on grounds of relevancy, foundation, and hearsay.

II. HARLEY-DAVIDSON'S OBJECTIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS

Listed below are Harley-Davidson's objections to the deposition designations that Cycle-Craft expects to present at trial.² Harley-Davidson reserves its right to supplement or amend these objections or to make counter designations.

1. Diane Bolden

Page	Lines	Objection
22	2-5	Incomplete Testimony (will withdraw objection if Page 21, Lines 18-25, and Page 22, Line 1 are added to designation)
27	23-25	Incomplete Testimony (will withdraw objection if Page 29, Line 16-21 are added to designation)
28	1-6	Incomplete Testimony (will withdraw objection if Page 29, Line 16-21 are added to designation)
33	10-22	Incomplete Testimony (will withdraw objection if Page 29, Line 16-21 are added to designation)
40	16-25	Incomplete Testimony (will withdraw objection if Page 17, Lines 7-24 and Page 29, Line 16-21 are added to designation)
41	1-25	Incomplete Testimony (will withdraw objection if Page 17, Lines 7-24 and Page 29, Line 16-21 are added to designation)

² Cycle-Craft has indicated that it will also offer counter-designations to the deposition designations offered by Harley-Davidson. Once Cycle-Craft informs the Court of these counter designations, Harley-Davidson will provide the Court with its objections.

Page	Lines	Objection
42	1-11	Incomplete Testimony(will withdraw objection if Page 17, Lines 7-24 and Page 29, Line 16-21 are added to designation)
55	16-23	Incomplete Testimony (will withdraw objection if Page 17, Lines 7-24 and Page 55, Lines 5-15 are added to designation)
59	15-18	Relevancy
66	9-16	Relevancy, Foundation, Opinion Testimony

2. Jon Flickinger (April 5, 2005)

Page	Lines	Objection
102	3-21	Incomplete Testimony (will withdraw objection if Page 100, Lines 8-25, Page 101, Lines 1-25, Page 102, Lines 1-2, 22-25, and Page 103, Lines 1-2 are added to designation)
118	5-25	Incomplete Testimony (will withdraw objection if Page 119, Lines 24-25 and Page 120, Lines 1-14 are added to designation)
119	1-23	Incomplete Testimony (will withdraw objection if Page 119, Lines 24-25 and Page 120, Lines 1-14 are added to designation)

3. Jon Flickinger (May 27, 2005)

Page	Lines	Objection
60	10-15	Relevancy
64	4-25	Relevancy, Incomplete
65	1-14	Relevancy, Incomplete
68	1-20	Relevancy
107	24-25	Relevancy Rule 408
108	1-25	Relevancy Rule 408

Page	Lines	Objection
109	1-25	Relevancy Rule 408
110	1-24	Relevancy Rule 408

4. William Holaday

Page	Lines	Objection
49	10-21	Relevancy, Foundation, Hearsay
50	21-25	Relevancy, Foundation, Hearsay
51	1-24	Relevancy, Foundation, Hearsay
61	10-22	Relevancy, Foundation, Hearsay

5. Michael Malicki

Page	Lines	Objection
98	2-25	Relevancy, Foundation, Opinion Testimony, Speculation
99	1-25	Relevancy, Foundation, Opinion Testimony, Speculation
100	1-4	Relevancy, Foundation, Opinion Testimony, Speculation
103	21-25	Relevancy
104	1-25	Relevancy
105	1-7	Relevancy
113	5-25	Relevancy
114	1-13	Relevancy
126	13-17	Foundation
127	10-24	Foundation, Argumentative
128	6-12	Foundation
143	23-25	No Testimony
144	18-22	No Testimony
146	15-25	Relevancy

6. Barry Nichols

Page	Lines	Objection
45	22-25	Relevancy
46	11-19	Relevancy
63	15-25	Relevancy
64	1	Relevancy
71	23-25	Relevancy
72	1-5, 9-14	Relevancy

7. Gene Ostrom

Page	Lines	Objection
77	18-25	No Testimony
78	1-5	No Testimony

8. Steven Verduyn (April 6, 2005)

Page	Lines	Objection
44	10-15	No Testimony
54	10-13	No Testimony
56	5-9	Relevancy, Foundation
58	5-11	Incomplete Testimony (will withdraw objection if Page 57, Lines 17-25 and Page 58, Lines 1-4 are added to designation)
58	12-17	Relevancy
59	9-19	Relevancy
88	16-25	Relevancy
89	1-25	Relevancy
90	1-25	Relevancy
91	1-25	Relevancy, Opinion Testimony
92	1-18	Relevancy, Opinion Testimony
100	16-25	Relevancy, Foundation
101	1-17	Relevancy, Foundation
117	15-21	Relevancy, Foundation
128	6-22	Hearsay, Incomplete Testimony
146	1-25	Relevancy, Foundation, Opinion Testimony
147	1-25	Relevancy, Foundation, Opinion Testimony

Page	Lines	Objection
148-160	Entire Pages	Relevancy, Foundation, Argumentative, Opinion Testimony
181	1-25	Incomplete Testimony, No Testimony, Relevancy, Foundation
183	1-25	Incomplete Testimony, Relevancy, Foundation, Opinion Testimony
184	1-12	No Testimony, Relevancy, Foundation

9. Steven Verduyn (May 26, 2005)

Page	Lines	Objection
273	2-6	Relevancy
282	2-25	Relevancy
283	1-23	Relevancy
325	2-25	Relevancy
326	1-22	Relevancy

Respectfully submitted by,

**Harley-Davidson Motor Co., Inc.,
and Buell Distribution Co., LLC**

By their attorneys,

/s/ William F. Benson

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Dated: May 12, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney(s) of record for each other party by electronic mail on May 12, 2006.

/s/ William F. Benson
William F. Benson